

Mr. COCHRAN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, pursuant to section 201(a)(2) of Public Law 93-344, announces on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives the joint appointment of Mr. Dan L. Crippen as Director of the Congressional Budget Office, effective February 3, 1999, for the term of office expiring on January 3, 2003.

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 38, H.R. 540.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 540) to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

The Senate proceeded to consider the bill.

Mr. BAYH. Mr. President, today I rise as an original co-sponsor of S. 494, the Nursing Home Resident Protection Amendments of 1999, a bipartisan bill that would protect Medicaid patients from being dumped out of nursing homes in favor of patients who pay only through private funds.

When a senior citizen enters a nursing home facility he or she does so with the intention of making it their new home. It may not have the memories or immediate comfort level of the home they are used to, but for each elderly person that must enter a nursing home, they are exchanging the feelings of familiarity connected with their old home for the security and peace of mind that only comes with constant medical attention. In the recent past, some nursing home companies took actions that jettisoned these residents from the beds of their new homes based solely on their method of payment. Those who had the economic capability to pay with private funds were allowed to remain in the facility while those that needed governmental assistance in payment, paying with Medicaid dollars, were told to leave.

The eviction is not just a matter of the inconvenience of finding a new home, it is a matter of life and death. Studies show that death rates among nursing home patients who are transferred or evicted is two to three times higher than normal.

In some circumstances people were left without any real "home" to go to. Someone's method of payment should not determine whether or not they can continue to live in their new community or receive necessary medical attention. Once a facility has decided to accept a resident they should not be able to remove them based on whether they pay with private dollars or Medicaid. That is discrimination. Therefore, I decided to co-sponsor this bill and join the efforts of Senator BOB GRAHAM and others to prevent this discriminatory and traumatizing event from happening to even one more person.

I fully agree that the nursing home industry is a vital element in the continuum of care available to the elderly, and that a balance must be struck between encouraging private operators to make the investment necessary to operate these vital facilities and protecting patients and their families from unfair treatment. The reality is that nursing homes are a business and it must be economically feasible for them to operate. However, once a nursing home accepts a patient they should fulfill their promise and allow the patient to remain a part of the nursing home community regardless of payment status.

This issue is of particular concern to me since Indiana seniors experienced this unfair treatment. Approximately sixty elderly patients from one nursing home facility in Indiana, Wildwood, were told to leave because of their method of payment. In some cases, after they had worked hard to save for their future and were forced to spend every dollar to support themselves in the nursing home. Even spending every dollar they saved did not ensure them security since, once that money was depleted and they received government assistance, they were told their money was not good enough to keep them in the facility.

Robyn Grant was the Indiana State Long-Term care Ombudsman for eight years. She recently testified on behalf of the National Citizens' Coalition for Nursing Home Reform before the House Subcommittee on Health and Environment in regard to this issue. Ms. Grant relayed the letter of a daughter of a resident who was evicted because they were paying with Medicaid. That woman wrote that "You have destroyed lives and emotions and torn apart families. Yes, many of these people though not blood related, considered their companions and friends as family. Your facility was their home. Physical and emotional health was gravely endangered by the insensitive actions of the nursing home company."

Current law must be changed so there is no propensity for seniors to be torn apart from their newly found families in the future.

Nursing homes should have the ability to choose what payment programs in

which they will participate. However, if a facility decides to accept Medicaid patients, they must uphold the promise they made to those seniors. This bill would prevent a nursing home that decides to withdraw from the Medicaid program from evicting residents who were accepted prior to the facility's withdrawal. In addition, if a facility is a private-pay only, it would be required to notify the resident upon her entrance to the facility that she could be evicted after her private funds were exhausted. The Nursing Home Resident Protection Amendments of 1999 would protect the 68% of nursing home residents who rely on Medicaid at some point during their stay. This bill will not cost anything, but will have a significant positive impact on the lives of seniors faced with the need to enter a nursing home.

We owe it to all our citizens to keep them informed and protected from discriminatory practices. This bill does that and I urge my colleagues to join us in turning this legislation into law.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 540) was considered read the third time and passed.

ORDERS FOR TUESDAY, MARCH 16, 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Tuesday, March 16. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved and the Senate then begin consideration of a resolution commending Senator KERREY on the 30th anniversary of the events leading to his receiving the Congressional Medal of Honor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I ask unanimous consent that the Kerrey resolution be considered under a 1-hour time limitation, divided between Senators HAGEL and EDWARDS, and that there be no amendments in order to the resolution or preamble.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I further ask unanimous consent that at 11:30 a.m., the Senate resume consideration of S. 257, the missile defense bill, under the provisions of the unanimous consent agreement reached earlier today.